



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 27, 2006

Robert O. Berg
[REDACTED]

Re: 104 (e) Request for Information - Omega Superfund Site
Real Property at 8915 Sorensen Avenue, Santa Fe Springs, CA

Dear Mr. Berg:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Superfund Site (the "Site"). As part of its investigation EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

EPA believes that you may have information which may assist EPA in its investigation of the Site. Evidence from groundwater investigations to date suggests that operations at various facilities in the area, including Omega Chemical, may have contributed to groundwater contamination through the use of volatile organic compounds (VOCs); including but not limited to, perchloroethylene (PCE), freons, trichloroethylene (TCE), methylene chloride and 1,1-DCE. Answers to the questions in Attachment B will provide us some of the information we need for this site investigation.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

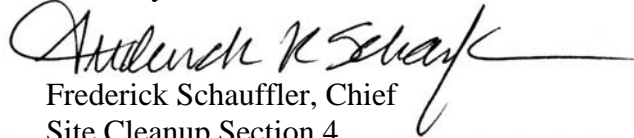
Linda Ketellapper, SFD-7-B
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number for the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Thanne Cox, Assistant Regional Counsel at (415) 972-3908 or Linda Ketellapper, Enforcement Officer, at (415) 972-3104. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Chris Lichens at (415) 972-3149.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in black ink, appearing to read "Frederick Schauffler", with a long horizontal flourish extending to the right.

Frederick Schauffler, Chief
Site Cleanup Section 4
Superfund Division

Enclosures (2)

cc: Thanne Cox, EPA ORC
Linda Ketellapper, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F. R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Arctic Slope Regional Corp.
EPA Contract Number 68-R9-0101

Department of Toxic Substances Control/California
Environmental Protection Agency

Science Applications International Corporation
EPA Contract Number GS-10F-0076J

CH2M Hill, Inc.
EPA Contract Number 68-W-98-225

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment,

including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of Robert O. Berg concerning the real property located at 8915 Sorensen Avenue, Santa Fe Springs, CA (the "Property").
2. Identify the dates you owned the Property. Provide a copy of all deeds, ownership records and any other documents evidencing such ownership.
3. Identify the individual(s) or company from whom you purchased the Property. Include the last known address and telephone number of the seller, if known, and provide a copy of the deed and other documents governing your purchase of the Property.
4. Identify the individual(s) or company to whom you sold the Property. Include the last known address and telephone number of the purchaser, if known, and provide a copy of the deed and other documents governing your transfer of the Property.
5. During your ownership of the Property, did you own the Property jointly with any other individuals or entities? If so, provide the name, address and phone number of each such joint owner and the periods of such joint ownership. In addition, provide all documents evidencing such joint ownership of the Property.
6. Documentation obtained by EPA indicates that you and Donna M. Berg, a married couple, formed a joint venture doing business under the name "L.R.& B." ("LRB") with married couples John G. Locke and Janyce B. Locke and Arnold Rosenthal and Pearl Rosenthal. Please describe the nature of this joint venture (i.e., set forth whether it was a partnership, corporation, limited liability company) and also describe in detail the interest it held in the Property. Provide all documentation evidencing the nature of this joint venture and any ownership interest it held in the Property.
7. Provide a copy of the Articles of Incorporation, Partnership Agreement, Articles of Organization, together with any and all amendments, demonstrating the particular business form or forms LRB used in its business.
8. List the names, titles, telephone number(s) and current or last known addresses of all individuals who participated in the "joint venture" called LRB, regardless of the business form under which the business operates or operated. Provide documentation of both the percentage of each individual's current or former ownership interest in the Property and the time period(s) during which each partner held this ownership interest.
9. Documentation obtained by EPA indicates that Southern Pacific Transportation Company (SPTC) sold the Property to LRB in or about May 1975. If so, provide a copy of all deeds, ownership records and all other documents evidencing such sale.

10. Documentation obtained by EPA indicates that American Cryogenics, Inc., (now known as Liquid Air Inc.) a Delaware corporation, quitclaimed as community property an undivided 1/3 interest in the Property to you and Donna M. Berg as well as to John G. Locke and Janyce B. Locke and Arnold Rosenthal and Pearl Rosenthal. Indicate on what date this transaction occurred and provide copies of all documents that evidence this transaction.
11. Please describe the nature of your relationship with John G. Locke, Janyce B. Locke, Arnold Rosenthal and Pearl Rosenthal.
12. Please describe the nature of your relationship with Donna M. Berg.
13. Please provide the current mailing address and phone number of Donna M. Berg.
14. During your ownership of the Property, did you rent or lease the Property to another individual or entity? If so, identify all such individuals and entities and provide copies of all leases, rental agreements or any other documents that evidence such rental or leasehold relationship.
15. Documentation obtained by EPA suggests that Angeles Chemical Co., Inc. conducted operations at the Property and at real property designated with assessor's parcel number 8168-012-010. State in detail the nature of the company's business operations at such location and specifically state how such operations related to the company's operations at 8915 and 8831 Sorensen Avenue, Santa Fe Springs, CA. Provide all documentation evidencing Angeles Chemical Co., Inc.'s operations at the location designated with assessor's parcel number 8168-012-010.
16. Please provide legal descriptions and Assessor Parcel Numbers for all properties leased by Angeles Chemical Co., Inc. in which you held an ownership interest.
17. Documentation obtained by EPA indicates that you and Donna M. Berg granted an undivided one-sixth interest in the Property to Norman M. Spieler, as Trustee of the Cynthia Pacheco 1993 BETA Trust, and an undivided one-sixth interest in the Property to the Robert O. Berg, Jr. 1993 BETA Trust. Provide all documents evidencing these transfers of the Property.
18. Did you and Donna M. Berg ever sell or otherwise jointly transfer the Property to another individual or entity? If so, provide all documents evidencing any and all such joint sales or other transfers of the Property.
19. Did Donna M. Berg ever sell or otherwise transfer the Property to another individual or entity? If so, provide all documents evidencing any and all such sales or other transfers by Donna M. Berg of the Property.
20. Documentation obtained by EPA indicates that Robert O. Berg, Jr. 1993 BETA Trust and Norman M. Spieler, as Trustee of the Cynthia Pacheco 1993 BETA Trust sold the

Property to Angeles Chemical Co., Inc. on or about July 1994. Provide a copy of all deeds, ownership records and any other documents evidencing such sale.

21. Identify all prior owners of the Property from 1970 to the present and provide the dates each owner owned the Property. Provide copies of all deeds, ownership records and any other documents evidencing each such owner's interest in the Property.
22. At any time during your possession of the Property, did you become aware of any contamination on, or environmental impairment of, the Property? If so, provide all documentation in your possession or control governing such contamination and/or environmental impairment.
23. Provide copies of any and all documents in your possession or control pertaining to any and all releases of any hazardous substances that may have occurred during your ownership of the Property, including, but not limited to, inspection notes, citizen complaints, letters of enforcement from any regulatory agency and formal notices of violation.